

**UPDATE ON THE STATUS OF THE NIGERIAN FREEDOM OF INFORMATION BILL**  
**Excerpt from an email from the FOI Coalition Nigeria, 11 November 2003**

The Joint Committee of House of Representatives on the Freedom of Information Bill has submitted its report to the whole House with a recommendation that the Bill should be passed into Law. The committee submitted its report on November 06.

In the joint report signed by Honourable (Dr.) Alaba Lad-Ojomo, Chairman of the House Committee on Information; Honourable Alex Nwofe, Chairman of the House Committee on Justice; and Honourable (Chief) Obeten O. Obeten, Chairman of the House Committee on Human Rights, they said: "Since this Bill is one of those measures being put in place to check the spate of corruption in the system, giving this Bill positive hearing will no doubt add to the long list of successes recorded by this Honourable House."

Honourable Lad-Ojomo moved the motion on the floor of the House for the House to receive the report, while Honourable Abdul Oroh, Deputy Chairman of the House Committee on Human Rights, seconded the motion upon which the House accepted it. The Bill is now awaiting scheduling for the third and final reading, which is expected to take place later this month.

In their report, the joint committees noted that following the resolution of the House on July, 29, after a debate on the General Principles of the Bill, it was referred jointly to three Committees, although the Information Committee was given primary responsibility of directing the work of reviewing the Bill in its entirety.

The report said the "Notice of the Referral of the Bill" was served on the three Committees on August 12, and that by the notice, the Committees were to submit their report on the Bill to the Committee of the Whole House, within a reasonable time frame.

According to the report, "Against this background and having regard to the fact that the Information Committee had primary responsibility for preparing the report on the Bill, it was first considered at the level of the Information Committee. Thereafter a nine member joint committee, made up of three representatives each, drawn from the Committees of Information, Justice and Human Rights, was set up to further review the Bill."

It said the Joint Committee, which met several times in the course of its deliberation on the Bill, prepared its report, which was further subjected to additional extensive consideration at the joint meeting of the Chairmen of the three Committees in question and that the outcome of these long process and procedures to which the Bill was subjected while it was being considered at the committee stage, formed the basis of the report.

The Joint Committee said: "Given the importance of ensuring that the enactment of this Legislation is enriched by widespread consultation and input by stakeholders, the Joint Committee relied adequately on inputs and views shared by opinion moulders and major stakeholders through their submissions in a Public Hearing conducted on the Bill by the last Assembly. By extension, the Joint Committee in its deliberation on the Bill was very conscious of the public interest generated by the Bill and of the need to be thorough and avoid ambiguities in the final draft of the Bill that is now being presented to the Committee of the whole House, for their consideration."

The Joint Committee said it was guided by the following documents in its deliberations:

- (i) The Approved Rules of the House 2002;
- (ii) The 1999 Constitution of the Federal Republic of Nigeria;
- (iii) Report of the Public Hearing Conducted on the Bill; and
- (iv) Memoranda Submitted by Major Stake Holders.

It noted that the objective of the Bill is "to make Public Records and Information more freely available, provide for public access to public records and information and protect public records and information to the extent consistent with the public interest and the protection of personal privacy. It also intends to protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization in addition to establishing procedures for the achievement of these purposes."

The Joint Committee reminded members of the House of Representatives that one of the cardinal points upon which this Bill is founded is the promotion of an enabling environment for unfettered access to information as it concerns the conduct of public affairs, records and documents, considering that one of the major set backs to the growth of Nigeria's fledgling democracy is the fact that most official transactions, both in the public and private sectors, are shrouded in secrecy.

Observing that "this situation, to say the least, has negative implication in the country's quest for transparency and openness in the conduct of public affairs," it stressed that since the Bill is one of those measures being put in place to check the spate of corruption in the system, giving this Bill positive hearing would add to the long list of successes recorded by the House of Representatives.

A full copy of the Final Report is not yet publicly available but we under that the Report includes the following recommendations:

That the title be changed from the "Freedom of Information Bill" to "Freedom Of Access To Information Act 2003". The committee felt that the addition "access" would make the bill more embracing and reflective of the purpose of the Bill.

Section 2: Under "Public/Government Institution" "tax revenue" was substituted with "public fund" as, in their view, it tends to reduce sources of government revenue to only tax revenue.

Section 14(2): The provision of this section was amended to prevent possible abuse by public officers with the inclusion of the phrase "provided that such public overriding interest is to be determined by a court of law".

Section 17(3): This amendment, they said, is an attempt to align this section with the provision in section 14(2) of this Act.

The committee also recommended that Section 17(1)(iv) be expunged as it gives room for manipulation of tax policies by government officers and individual tax payers thereby encouraging corruption which the Bill intends to fight.